

Law Office of Jack Silver

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Via Certified Mailing - Return Receipt

October 24, 2019

NOV 13 2019

Jaxon Keys Winery & Distillery (a member of Wilson Artisan Wineries)
Attn: Managing Agent
10400 South Highway 101
Hopland, CA 95449-9650

Ms. Diane Nolan
Mr. Kenneth Wilson
P.O. Box 487
Geyserville, CA 95441

Re: Supplemental Notice of Violations and Intent to File Suit Under the Clean Water Act

Dear Mr. Wilson, Ms. Nolan and Managing Agent:

INTRODUCTION

An initial Notice of Violations under the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1251 *et seq.*, dated August 27, 2019 on behalf of our client California River Watch has been served on you (copy attached).

On September 1, 2019 Jaxon Keys Winery & Distillery filed a Notice of Intent (NOI) to be covered by the Industrial General Storm Water Permit, NPDES Permit No. CAS000001, SWRCB ORDER No. 2014-0057-DWQ. This Supplemental Notice is being served on behalf of California River Watch to address the most recent violations of the CWA by Jaxon Keys Winery & Distillery.

1. The Specific Standard, Limitation, or Order Alleged to Have Been Violated

In addition to the allegations noticed in the August 27, 2019 Notice of Violations, the order alleged to have been violated is SWRCB ORDER No. 2014-0057-DWQ identified above.

2. The Activity Alleged to Constitute a Violation

In addition to the allegations set forth in the August 27, 2019 Notice of Violations, the activities alleged to constitute a violation are as follows:

- a. Failure to re-certify by August 14, 2015 to continue regulatory coverage under the new Industrial General Storm Water Permit, SWRCB ORDER No. 2014-0057-DWQ;
- b. Failure to properly register coverage by not providing a copy of the Storm Water Pollution Prevention Plan (SWPPP) or a copy of a current site map from that SWPPP;
- c. Failure to comply with any other provision of the new Industrial General Storm Water Permit, SWRCB ORDER No. 2014-0057-DWQ.;
- d. Submission to SMARTS of an inadequate site map; and,
- e. Discharge of pollutants without an NPDES permit. Specifically, process, waste, and wash water are discharged from the Jaxon Keys Winery & Distillery site either directly or from the waste pond located adjacent to Crawford Creek, a tributary to the Russian River.

3. The Person or Persons Responsible for the Alleged Violation

The entities responsible for the alleged violations are Wilson Artisan Wineries, Kenneth Wilson, and Diane Nolan, as owners and operators of Jaxon Keys Winery & Distillery.

4. The Location of the Alleged Violation

The location of the various violations is the permanent address of Jaxon Keys Winery & Distillery at 10400 South Highway 101, Hopland, California, including the waters of Crawford Creek and the Russian River.

5. The Date or Dates of Violation or a Reasonable Range of Dates During Which the Alleged Activity Occurred

The range of dates covered by this Supplemental Notice is from August 1, 2015 to the present. This Supplemental Notice includes all violations which occur after the range of dates covered by this Supplemental Notice. Some of the violations are continuous in nature, therefore each day constitutes a violation.

6. The Full Name, Address, and Telephone Number of the Person Giving Notice

The entity giving this Supplemental Notice is California River Watch, an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation organized under the laws of the State of California, with headquarters located in Sebastopol, California and mailing address at 290 South Main Street, #817, Sebastopol, California 95472. California River Watch is dedicated to protecting, enhancing and helping to restore surface water and groundwaters of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and to educating the public concerning environmental issues associated with these environs.

California River Watch may be contacted via email: US@ncriverwatch.org, or through its attorneys, and has retained legal counsel with respect to the issues set forth in this Supplemental Notice. All communications should be directed to:

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REMEDIAL MEASURES REQUESTED

California River Watch requires Wilson Artisan Wineries, Kenneth Wilson, and Diane Nolan, as owners and operators of Jaxon Keys Winery & Distillery, to strictly comply with the terms and conditions imposed by the Industrial General Storm Water Permit including all filing requirements. Full compliance is necessary in order to bring Jaxon Keys Winery & Distillery into compliance with the CWA and reduce the biological impacts from its non-compliance upon public health and the surrounding environment.

CONCLUSION

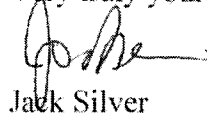
The violations set forth in this Supplemental Notice effect the health and enjoyment of members of California River Watch who reside and recreate in the affected community and may use the affected watershed for recreation, sports, fishing, swimming, hiking, photography, or nature walks. Their health, use, and enjoyment of this natural resource is specifically impaired by the alleged violations of the CWA as set forth in this Supplemental Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any “person,” including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for unpermitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), §1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. §1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$54,833.00 per day/per violation pursuant to CWA § 309(d) and 505, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1-19.4. River Watch believes this Supplemental Notice sufficiently states grounds for filing suit in federal court under the “citizen suit” provisions of the CWA to obtain the relief provided for under the law.

The CWA specifically provides a 60-day “notice period” to promote resolution of disputes. The recipients of this Supplemental Notice are encouraged to contact counsel for California River Watch within 20 days after receipt of this Supplemental Notice to: (1) initiate a discussion regarding the allegations detailed herein, and (2) set a date for a site visit to Jaxon Keys Winery & Distillery.

In the absence of productive discussions to resolve this dispute, or receipt of additional information demonstrating compliance with the strict terms and conditions of the CWA, California River Watch will have cause to file a citizen's suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jack Silver", with a horizontal line extending to the right.

Jack Silver

JS:lh
Attachment

SERVICE LIST

Andrew Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460

~~/~~ Michael Stoker, Regional Administrator
U.S. Environmental Protection Agency
Pacific Southwest, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Eileen Sobeck, Executive Director
State Water Resources Control Board
P.O. Box 100
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